

# **EXHIBIT 5**

**08/219,200**

**Petition under 37 C.F.R. §1.47(a)**

SEPTEMBER 4, 1991

Please acknowledge receipt of the enclosed documents  
by affixing the Receiving Office date stamp and  
returning it to our office:

In re application of: LINSLEY ET AL.

Serial No: 07/722,101 SM

Filing Date: JUNE 27, 1991

For: LIGAND FOR CD28 RECEPTOR ON B CELLS AND T-CELLS

Docket No: 7794 Attorney: SLM

Enclosed: EXECUTED DECLARATION, EXECUTED ASSIGNMENT,  
RECORDATION OF ASMT., FEE (Chk. No. 2126, \$8.00), COPY OF  
NOTICE TO FILE MISSING PARTS, SURCHARGE FEE (Chk. No. 2125,  
\$120.00), TRANSMITTAL LETTER, POST CARD.

EXPRESS MAIL LABEL NO.: FB199437722US



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EXPRESS MAIL LABEL NO.: FB199437722US

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**Thank You For Using Express Mail Service**

IN THE UNITED STATE PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF: )  
Linsley et al. ) Group Art Unit:  
Serial No.: 07/722,101 ) Examiner:  
Filing Date: June 27, 1991 )  
For: LIGAND FOR CD28 RECEPTOR ON B )  
CELLS AND METHODS )

TRANSMITTAL OF MISSING PARTS OF APPLICATION

Hon. Commissioner of Patents and Trademarks  
Washington, D.C. 20231

Dear Sir:

Enclosed herewith for filing in the above-captioned application are:

1. Executed Declaration and Power of Attorney for Patent Application by Inventors: Peter S. Linsley, Jeffrey A. Ledbetter, Nitin K. Damle, and William Brady;

2. Executed Assignment from Inventors to BRISTOL-MYERS SQUIBB COMPANY;

3. Recordation of Assignment and fee in amount of \$8.00 (Check No. 2126).

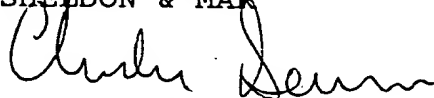
2. Copy of Notice to File Missing Parts of Application - Filing Date Granted;

3. Surcharge fee check in amount of \$120.00 - Check No. 2125.

Please charge any additional fees or credit any overpayment to Deposit Account No. 19-2090. A copy of this sheet is enclosed.

Respectfully submitted,

SHELDON & MAK



Charles Berman  
Reg. No. 29,249

Date: Sept. 4, 1991

SHELDON & MAK

201 South Lake Avenue, Suite 800  
Pasadena, CA 91101

(213) 312-9900

(213) 681-9000

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Linsley et al.	)	
	)	
Serial No.: 07/722,101	)	
	)	
Filed: June 27, 1991	)	Group Art Unit:
	)	
For: LIGAND FOR CD28 RECEPTOR	)	Examiner:
ON B CELLS AND METHODS	)	

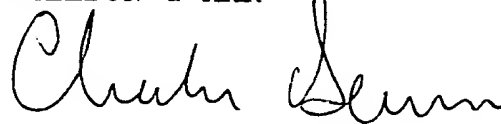
RECORDATION OF ASSIGNMENT

Honorable Commissioner of  
Patents and Trademarks  
Washington, DC 20231

FOR RECORDATION: Assignment dated August 19 and 21, 1991,  
from inventors Peter S. Linsley, Jeffrey A. Ledbetter, Nitin K.  
Damle and William Brady to BRISTOL-MYERS SQUIBB  
COMPANY. Sheldon & Mak Check No. 2126 for \$ 8.00 is attached to  
cover the recordation fee.

Please charge any additional fees or credit any overpayment  
to Deposit Account No. 19-2090. A copy of this recordation  
request is enclosed.

Respectfully submitted,  
SHELDON & MAK



Charles Berman  
Reg. No. 29,249

Dated: September 4, 1991

SHELDON & MAK  
201 South Lake Avenue, Suite 800  
Pasadena, CA 91101  
(818) 796-4000  
(213) 681-9000

ASSIGNMENT

This Assignment as dated herein below, by Peter S. Linsley, of 2430 9th St. West, Seattle, Washington, 98119; Jeffrey A. Ledbetter of 306 Northwest 113th Place, Seattle, WA 98177; Nitin K. Damle, of 11717 S.E. 60th Place, Renton Washington, 98056; and William Brady of 618 219th Place S.W., Bothell, Washington, 98021 to BRISTOL-MYERS SQUIBB COMPANY, a corporation, Assignee, having a place of business at 3005 First Avenue, Seattle, WA 98121.

WHEREAS, Assignors have invented a new and useful LIGAND FOR CD28 RECEPTOR ON B CELLS AND METHODS, for which an application for United States Letters Patent has been filed on June 27, 1991, under Serial Number 07/722,101; and

WHEREAS, Assignors believe themselves to be the original, joint inventors of the invention disclosed and claimed in said application for Letters Patent; and

WHEREAS, Assignee desires to acquire by formal, recordable assignment the entire right, title and interest in and to said invention, said application and any Letters Patent that may be granted for said invention in the United States and throughout the world;

NOW, THEREFORE, in consideration of the sum of One Dollar (\$1.00) and of other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Assignors hereby sell, assign, and transfer to Assignee, the entire right, title, and interest in and to said invention, said application and any Letters Patent that may be granted for said invention in the United States and throughout the world, including the right to file foreign applications

directly in the name of the Assignee and to claim for any such foreign applications any priority rights to which such applications are entitled under international conventions, treaties, or otherwise.

Further, Assignors agree that, upon request and without further compensation, but at no expense to Assignors, they and their legal representatives and assigns will do all lawful acts, including the execution of papers and the giving of testimony, that may be necessary or desirable for obtaining, sustaining, reissuing, or enforcing Letters Patent in the United States and throughout the world for said invention, and for perfecting, recording, or maintaining the title of Assignee, its successors and assigns, to said invention, said application, and any Letters Patent granted for said invention in the United States and throughout the world.

Assignors represent and warrant that they have not granted and will not grant to others any rights inconsistent with the rights granted herein.

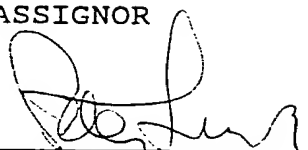
Assignors authorize and request the Commissioner of Patents and Trademarks of the United States and of all foreign countries to issue any Letters Patent granted for said invention, whether on said application or on any subsequently filed division, continuation, continuation-in-part or reissue application, to Assignee, its successors and assigns, as the assignee of the entire interest in said invention.



IN WITNESS WHEREOF, Assignors have executed this  
Assignment on the dates as written.

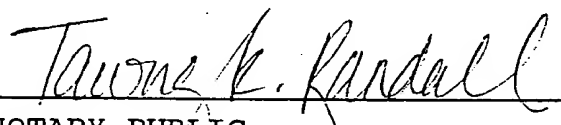
Dated: 08/19/91

ASSIGNOR

  
\_\_\_\_\_  
Peter S. Linsley

On this 19 day of August, the year 1991,  
before me personally appeared Peter S. Linsley personally  
known to me or proved to me on the basis of satisfactory  
evidence to be the person whose name is subscribed to this  
instrument, and acknowledged to me that he executed it.

IN WITNESS WHEREOF, I have hereunto set my hand and  
affixed my official seal the day and year in this certificate  
first above written.

  
\_\_\_\_\_  
NOTARY PUBLIC

TAWNY K RANDALL  
Notary Public  
STATE OF WASHINGTON  
My Commission Expires  
August 25, 1993

Dated: Aug 19, 1991

ASSIGNOR

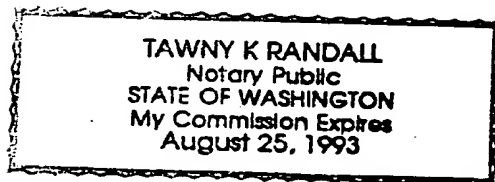
Jeffrey A. Ledbetter  
Jeffrey A. Ledbetter

)  
)  
)

On this 19 day of AUGUST, the year 1991,  
before me personally appeared Jeffrey A. Ledbetter personally  
known to me or proved to me on the basis of satisfactory  
evidence to be the person whose name is subscribed to this  
instrument, and acknowledged to me that he executed it.

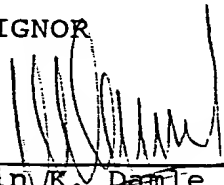
IN WITNESS WHEREOF, I have hereunto set my hand and  
affixed my official seal the day and year in this certificate  
first above written.

Tawny K. Randall  
NOTARY PUBLIC



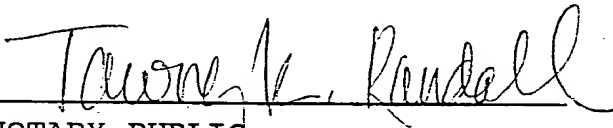
Dated: 8-19-91

ASSIGNOR

  
\_\_\_\_\_  
Nitin K. Damle

)  
)  
)  
On this 19 day of August, the year 1991,  
before me personally appeared Nitin K. Damle personally known  
to me or proved to me on the basis of satisfactory evidence to  
be the person whose name is subscribed to this instrument, and  
acknowledged to me that he executed it.

IN WITNESS WHEREOF, I have hereunto set my hand and  
affixed my official seal the day and year in this certificate  
first above written.

  
\_\_\_\_\_  
NOTARY PUBLIC

TAWNY K RANDALL  
Notary Public  
STATE OF WASHINGTON  
My Commission Expires  
August 25, 1993

Dated: 8/21/91

ASSIGNOR

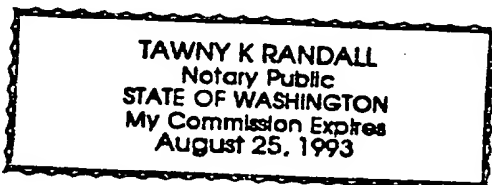
William Brady  
William Brady

)  
)  
)

On this 21 day of August, the year 1991,  
before me personally appeared William Brady personally known  
to me or proved to me on the basis of satisfactory evidence to  
be the person whose name is subscribed to this instrument, and  
acknowledged to me that he executed it.

IN WITNESS WHEREOF, I have hereunto set my hand and  
affixed my official seal the day and year in this certificate  
first above written.

Tawny K. Randall  
NOTARY PUBLIC



DECLARATION AND POWER OF ATTORNEY  
FOR PATENT APPLICATION

As the below-named inventors, we hereby declare that:

Our residences, post office addresses and citizenship are as stated below next to our names.

We believe that we are original, first and joint inventors of the subject matter which is claimed and for which a patent is sought on the invention entitled: LIGAND FOR CD28 RECEPTOR ON B CELLS AND METHODS, the specification of which:

\_\_\_\_\_ is attached hereto

XX was filed on June 27, 1991.

Application Serial Number: 07/722,101.

and was amended on (or amended through) \_\_\_\_\_  
(if applicable)

We hereby state that we have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment(s) referred to above.

We acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, Sec. 1.56(a).

We hereby declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

We hereby appoint the following attorneys to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith:

SARALYNN MANDEL, Registration No. 31,853; and all of the firm of Sheldon & Mak. Direct all telephone calls to SaraLynn Mandel at telephone no. (213) 312-9900. Address all correspondence to:

SHELDON & MAK  
201 South Lake Ave.  
Suite 800  
Pasadena, CA 91101

Full name of first joint inventor: Peter S. Linsley

Inventor's Signature:

Peter Linsley

Dated: 08/19/91

Residence: Seattle, Washington

Citizenship: USA

Post Office Address: 2430 - 9th St. West  
Seattle, Washington 98119

Full name of second joint inventor: Jeffrey A. Ledbetter

Inventor's Signature:

Jeffrey A. Ledbetter

Dated: Aug 19, 1991

Residence: Seattle, Washington

Citizenship: USA

Post Office Address: 306 Northwest 113th Place,  
Seattle, Washington 98177

Full name of third joint inventor: Nitin K. Damle

Inventor's Signature: 

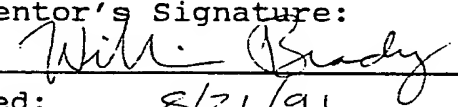
Dated: 8-19-91

Residence: Renton, Washington

Citizenship: India

Post Office Address: 11717 S.E. 60th Place  
Renton, Washington 98056

Full name of fourth joint inventor: William Brady

Inventor's Signature: 

Dated: 8/21/91

Residence: Bothell, Washington

Citizenship: USA

Post Office Address: 618 219th Place S.W.  
Bothell, Washington 98021